

## Title 122 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

### Chapter 34 - CORRECTIVE ACTION

001 Applicants for Class I or III injection well and/or mineral production well permits shall identify the location of all wells which penetrate the injection and/or production zone within the facility's area of review. For such wells, which are improperly sealed, completed, or abandoned, the applicant shall also submit a plan consisting of such steps or modifications as are necessary to prevent movement of fluid into underground sources of drinking water ("corrective action"). Where the plan is adequate, the Director shall incorporate it into the permit as a condition. Where the Director's review of an application indicates that the applicant's plan is inadequate, the Director shall require the applicant to revise the plan, prescribe a plan for corrective action as a condition of the permit under Section 002 of this Chapter, or deny the application.

002 In determining the adequacy of corrective action proposed by the applicant and in determining the additional steps needed to prevent fluid movement into or above underground sources of drinking water, the following criteria and factors shall at a minimum be considered by the Director:

002.01 Toxicity and volume of the injected and/or produced fluid;

002.02 Toxicity of native fluids or by-products of injection and/or production;

002.03 Potentially affected population;

002.04 Geology;

002.05 Hydrology;

002.06 History of the injection and/or production operation;

002.07 Completion and plugging records;

002.08 Abandonment procedures in effect at the time the well was abandoned; and

002.09 Hydraulic connections with underground sources of drinking water.

003 Any permit issued for an existing injection well and/or mineral production well requiring corrective action shall include a compliance schedule requiring any corrective action accepted or prescribed under Section 001 of this Chapter to be completed as soon as possible.

004 No permit for a new injection well and or production well may authorize injection until all required corrective action has been taken.

005 The Director may require as a permit condition that injection pressure be so limited that pressure in the injection zone does not exceed hydrostatic pressure at the site of any improperly completed or abandoned well within the area of review. This pressure limitation shall satisfy the corrective action requirement. Alternatively, such injection pressure limitation can be part of a compliance schedule and remain until all other required corrective action has been taken.

Enabling Legislation: Neb. Rev. Stat. §§ 81-1504(2)(11)(13)(20)(25); 81-1505(9)

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